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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,307	02/17/2004	Jui Lin Chang	4-1023	7404

7590

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EXAMINER

CARTER, MONICA SMITH

ART UNIT

PAPER NUMBER

3722

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,307

Applicant(s)

CHANG ET AL

Examiner

Monica S. Carter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piscioti et al. (4,883,381) in view of Wien (6,241,414).

Piscioti et al. disclose a book comprising a board (12) with one or more folding marks (26, 28) in a central position (as seen in figure 1); the folding marks separating the board into two folding panel boards (16, 18); and a folder body (20) being provided at an inner face of the board adjacent to the folding mark (28) (as seen in figure 1), a folder (10) taking shape to hold files (22) (as seen in figures 3 and 4), wherein the board is preferably formed of a plastic material having sufficient strength.

Piscioti et al. discloses the claimed invention except for the board being made of multi-layered sheets, with a middle layer comprising of one or more foamed plastic layer and two plastic surface layer being attached to surfaces of both sides of the middle layer.

Wien discloses a binder having flexible pockets comprising front and back covers and a spine. The front and back covers and the spine having an inner base preferably made of suitable paper board or other suitable material (to, inherently, include a plastic material). The inner bases are enclosed by a suitable material, such as a plastic

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material, to form an outer covering. Wien further discloses providing a thin foam layer between the inner bases and the enclosed fabric (see col. 3, lines 16-29). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to provide the board with a multi-layered configuration, as taught by Wien, to give the board a softer feel.

Regarding claim 2, Piscioti et al., as modified by Wien, disclose the middle layer of the board being comprised of foamed plastics as set forth above. However, Piscioti et al., as modified by Wien, fails to explicitly disclose the foamed plastic layer being a multi-layered foam plastic layer. It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the foamed plastic layer as a multi-layered foam plastic layer, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Furthermore, applicant has failed to disclose that providing the middle layer with a multi-layered foam plastic instead of a single layer of foam plastic is critical to the invention.

Regarding claim 3, the limitation of the middle layer and two surface layers of the board increasing chromatism, merely states the result of the limitations in the claim and adds nothing to the patentability or substance of the claim. The layer construction of Piscioti et al., as modified by Wien, is, inherently, capable of increasing chromatism, since the foam and plastic layers are made of dissimilar materials that would provide a diverse color scheme.

Regarding claim 4, Piscioti et al., as modified by Wien, disclose the folder comprising two grip holes (40) being opened and arranged at the same side of the two panel boards of the folder (as seen in figures 1 and 2), and wherein a carrying handle (comprised of flaps 30, 32) is provided for more convenient applications (see col. 4, lines 18-23 and figures 2 and 3).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references disclose folders, binders and the like.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica S. Carter whose telephone number is (703) 305-0305. The examiner can normally be reached on Monday-Thursday (6:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (703) 308-2159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 6, 2004

Monica S. Carter
MONICA S. CARTER
PRIMARY EXAMINER